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SUBJECT: EIGHTH ANNUAL TRAFFICKING IN PERSONS (TIP) REPORT
- MEXICO (PART 1 OF 2)

REF: A. 2006 STATE 202745
[1](#)B. (B) 2007 STATE 150188
[1](#)C. (C) 2008 STATE 02731

[1](#)1. (SBU) The mission's point of contact on the Trafficking in Persons (TIP) Report is Poloff Janelle Guest. She may be reached by telephone at (52) (55) 5080-2000, ext. 4806, or by fax at (52) (55) 5080-2247 or GuestJR@state.gov). Post requests that the names of the non-governmental organizations (NGOs) working with the Government of Mexico (GOM) providing victim protection and assistance not be disclosed in this report. Post also requests that the names and details connected to ongoing investigations not be made public.

[1](#)2. (SBU) Mexico is a country of origin, transit, and destination for persons trafficked for sexual and labor exploitation. While there are no reliable figures as to the extent of the trafficking problem, Mexico's geographic location along primary transportation routes for illegal migration into the U.S. as well as the country's high level of organized criminal gang activity leaves little doubt that the transnational and domestic trafficking numbers are substantial.

[1](#)3. (SBU) The GOM has made significant and laudable advancements to address trafficking in persons in Mexico over the past year. While advancements are uneven across federal agencies, and expertise needs to be developed at all levels of government, the GOM has proactively addressed all facets of TIP, with measurable results and can be expected to continue to build on its successes. In particular, President Felipe Calderon passed a federal anti-trafficking in persons law to make trafficking in persons a crime at the punishable at the federal level. In January 2008, the Congress approved a \$7 million USD budget to construct a shelter for victims of trafficking. The GOM expects to open two additional shelters for trafficking victims later in 2008. Notwithstanding progress on the prosecutorial front, the GOM needs to do more to strengthen prosecution of outstanding cases. A vetted unit within the Attorney's General could make an important contribution to the Government's efforts to prosecute TIP cases. The Government recently assigned TIP cases to the unit that handles crimes against women; it is beginning to organize this unit and its case load, and it is too early to assess the effectiveness of this new arrangement.

[1](#)4. (SBU) The following significant steps forward in fighting TIP have taken place in Mexico since the June 2007 report:

-- The states of Chihuahua, Guerrero, Zacatecas, Mexico, and Sonora (January 2007, April 2007, September 2007, December 2007 and March 2008 respectively) passed comprehensive state anti-TIP legislation. However, the states of Coahuila, Baja California, Jalisco, Michoacan, Puebla, Guanajuato, Tlaxcala, Distrito Federal and Quintana Roo also have laws that address

trafficking in persons as a crime but do not include all elements of trafficking.

-- On November 27, 2007, President Felipe Calderon signed a law which criminalizes trafficking in persons at the federal level.

-- The National Migration Institute (INM) issued nine visas to trafficking victims, contingent on their participation in prosecution efforts.

-- 40 Mexican government officials, including investigators and technical officers from Secretaria de Seguridad Publica (SSP) and Centro Nacional de Planeacion e Informacion para el combate a la delincuencia (CENAPI) participated in a 24-hour training course in electronic surveillance, among numerous other training courses in the last year.

-- On July 16, 2007, agents from Mexico's Federal Investigation Agency (AFI) arrested Ignacio Antonio Santoyo-Cervantes a.k.a "Sony" pursuant to a federal arrest warrant in connection to the DIVAS trafficking organization. Santoyo-Cervantes is considered one of the main leaders of this international trafficking organization.

-- On February 1, 2008, Attorney General Eduardo Medina Mora appointed Maria Guadalupe Morfin Otero as the lead of the newly reconstituted Crimes Against Women and Trafficking in Persons Unit (FEVIMTRA), which was formally known as FEVIM. FEVIMTRA will be charged with prosecuting all TIP cases except those involving organized crime, which will continue to be handled by a subunit of the Organized Crime Unit (SIEDO).

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15. (SBU) QUESTION A. Is the country of origin, transit, and/or destination for internationally trafficked men, women, or children? Provide, where possible, numbers or estimates for each group; how they were trafficked, to where, and for what purpose. Does the trafficking occur within the country's borders? Does it occur in territory outside of the government's control (e.g. in a civil war situation)? Are any estimates or reliable numbers available as to the extent or magnitude of the problem? What is (are) the sources(s) of available information on trafficking in persons or what plans are in place (if any) to undertake documentation of trafficking? How reliable are the numbers and these sources? Are certain groups of persons more at risk of being trafficked (e.g. women and children, boys versus girls, certain ethnic groups, refugees, etc.)?

POST RESPONSE: Mexico is a country of origin, transit, and destination for trafficked men, women, and children for purposes of sexual and labor exploitation. Of those transited through or destined for Mexico, the vast majority of trafficking victims come from Central America, with a lesser number of victims originating from the Caribbean, Eastern Europe, and Asia. Those in transit are largely trafficked to the United States. Most victims originating from Mexico also are trafficked to the U.S., with smaller numbers to Europe, Asia and Canada. Mexico has a significant problem with internal trafficking; often women and girls are trafficked to the northern border, most prominently Tijuana, or to cities where sex tourism is prevalent, such as Cancun and Acapulco.

According to local NGOs, the following forms of trafficking can be associated with geographic regions of Mexico: labor exploitation is predominant in Chiapas, Chihuahua, Oaxaca and Veracruz; trafficking linked to cultural traditions (parents sell, rent or barter children for money or business) is prevalent in the indigenous communities in Oaxaca, Chiapas and Guerrero; and sexual exploitation of children and women is prevalent in Acapulco, Cancun, Puerto Vallarta, Zihuatenejo, Baja California and Mexico City.

There are no reliable statistics regarding the extent of the trafficking problem. The federal government, National Human Rights Commission (CNDH) and civil society have expressed interest in conducting national studies on trafficking but these initiatives have not been realized. Certain studies have targeted specific populations or geographic areas. The National Institute for Women (INMUJERES)- in collaboration with the Organization for American States (OAS), the National Migration Institute (INM) and the International Organization for Migration (IOM)- has completed a study on trafficked women and children on the northern border with emphasis on Baja California, but did not publish the report due to a lack of solid information.

The International Organization for Migration (IOM) reported to other NGOs on trafficking that of the 54 trafficking victims they have assisted until January 2008, (80%) came from Central America (Guatemala 44%, Honduras 19%, El Salvador 7%) and (13%) from South America (mainly from Argentina and Colombia), and of the 54, 47 were women.

Some statistics are available on specific trafficking victims and generally vulnerable populations. The INM reported that approximately 51,000 migrants, the vast majority from Central America, were detained in 2007. However, some numbers may have been underreported.

Other information on trafficking patterns that are available come from NGOs or academics. However, though, most of these reports tend to contain more anecdotal evidence than concrete statistics.

Grupos Beta, a Mexican organization created to protect and carry-out humanitarian actions, rescue and save migrants who are at risk of danger published a 28-page pamphlet that will help foreign migrants who may become victims in Mexico. The pamphlet includes contact information about Embassies and Consulates in Mexico, migrant rights and information for Grupos Betas around Mexico.

The populations most vulnerable to trafficking tend to be women and children (both boys and girls), undocumented migrants (most often from Central America), as well as indigenous groups.

16. (SBU) QUESTION B: Please provide a general overview of the trafficking situation in the country and any changes since the last TIP Report (e.g. changes in direction). (Other items

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to address may include: What kind of conditions are the victims trafficked into? Which populations are targeted by the traffickers? Who are the traffickers/exploiters? Are they independent business people? Small or family-based crime groups? Large international organized crime syndicates?

What methods are used to approach victims? (Are they offered lucrative jobs, sold by their families, approached by friends of friends, etc.?) What methods are used to move the victims (e.g., are false documents being used?). Are employment, travel, and tourism agencies or marriage brokers involved with or fronting for traffickers or crime groups to traffic individuals?

POST RESPONSE: Political will to address the problem is high, evidenced by actions taken by the federal and state governments since the last TIP report. Four states passed anti-trafficking legislation:

--the federal government passed anti-trafficking legislation;

--Mexico's Attorney General's office (PGR) created a special prosecutor for trafficking crimes, adding responsibility for trafficking investigations to an existing unit charged with addressing violent crimes against women (FEVIM);

--the National Migration Institute (INM) issued humanitarian visas to trafficking victims;

--Congress approved a \$7 million USD budget to construct shelters specifically for trafficking victims.

INM and state law enforcement undertook various training programs on trafficking, including a 24 hour training program on trafficking. Moreover, the media has covered TIP in the newspapers frequently over the last year. With efforts from civil society and government to confront the problem, both have significantly raised the profile of TIP in Mexico and have made measurable advancements in constructive cooperation with the one another.

Nonetheless, government efforts to fight trafficking need to extend to witness protection and prosecutions. Because of the lack of concrete statistics on trafficking, the increase in the number of victims or the kinds of trafficking victims is difficult to ascertain. The International Organization for Migration in collaboration with INMUJERES and OAS started a project which determined that migrants have developed a new route to the U.S. which includes travel from Guatemala by boat through the Pacific Ocean to Tijuana and finally across the Mexico-U.S. borders. NGOs say that there is the possibility that many victims of trafficking are involved while smugglers try to smuggle them through Mexico.

In addition, the pattern of illegal migration from Mexico and Central American into the U.S. also puts a larger number of vulnerable persons at risk for coming into contact with traffickers. Migrants from Mexico and Central America (especially women and children) are frequently smuggled into the U.S. with the promise of a lucrative job only to find themselves forced into prostitution or debt-bondage working conditions. Some traffickers falsely offer victims help in reuniting them with their family in the U.S. Other common methods used to approach/target victims include placing ads in newspapers that invite girls to participate in international exchanges or to start lucrative modeling careers. Once the girl is isolated from family and friends, she is forced into prostitution. Minors traveling alone from Central America through Mexico to the U.S. to meet with family members who left for the U.S. for better economic conditions often fall prey to traffickers while traveling without an adult.

Indigenous groups often sell, rent or barter their children to traffickers for money. Often times the children are sold and become victims of sex trafficking in tourist areas such as Cancun, Acapulco or Puerto Vallarta.

Within Mexico, women and children from Mexico's poorest regions of Mexico move to the urban, tourist, and the northern border areas seeking economic opportunity, but they often end up working in the commercial sex industry or domestic work, for farm work (or all) due to trickery, threats, or physical violence by traffickers.

The widespread use of professional alien smugglers contracted to help illegal migrants transit Mexico and cross into the U.S., increases the risk of falling prey to trafficking networks. Traffickers often employ alien smugglers to both

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target and transport victims. Alien smugglers use a wide variety of techniques to get people across the border, including false documents, hidden compartments, and dangerous desert crossings. Among legitimate transportation services, taxi drivers serve as guides and facilitators for sex tourists, common in border towns like Tijuana.

Many organized criminal organizations from Mexico and other countries use Mexico as a staging and training area for women and young girls destined for brothels and table dance bars in

the U.S. There is reported involvement of criminal gangs from Mexico, Central America, Europe, Japan, China and several other countries. Trafficking is also operated by small family networks.

For labor exploitation, traffickers often acquire legal work documents to transport victims to factories or farms/plantations, where employers then confiscate documents and impose extreme working conditions. Regional migrants within Mexico (such as farm workers from southern Mexico seeking work in northern states and migrants from Central America seeking work from farms in southern Mexico) are also victims of such exploitation.

17. (SBU) QUESTION C: Which government agencies are involved in anti-trafficking efforts and which agency, if any, has the lead?

POST RESPONSE: On November 27, 2007, President Calderon signed federal anti-trafficking legislation which makes TIP a crime punishable at the federal level. Under the new law an interagency committee was created with all government agencies to coordinate on this issue. Agencies participating on the Inter-agency committee to address TIP include: National Migration Institute (INM), Mexican Attorney General's Office (PGR), National Institute for Women (INMUJERES), Secretary of Health, Mexico's Foreign Relations Secretariat (SRE), Secretary of government (SEGOB), Secretary

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for Public Security (SSP), Secretary for Health, Secretary for Communications and transportation (SCT), Secretary of Labor STPS), Secretary of Public Education (SEP), along with three academic experts, and three representatives from civil society. According to the law, President Calderon needs to appoint the agency that will preside over the committee but has not taken that decision to date.

The Inter-Agency Commission is mandated to develop a National Program to Prevent and Punish Trafficking in Persons and establish prevention, protection, and care campaigns for trafficking in persons based on the principle of safeguarding human dignity and human rights with special attention to women and children. The committee is also expected to work closely with the Council on Public Safety in order to monitor and assess the results.

18. (SBU) QUESTION D: What are the limitations on the government's ability to address this problem in practice? For example, is funding for police or other institutions inadequate? Is overall corruption a problem? Does the government lack the resources to aid victims?

POST RESPONSE: The principle obstacle to effectively addressing trafficking in Mexico is the lack of adequate participation at the state and local levels in passing and implementing comprehensive state legislation to criminalize trafficking in persons at the state level. Although four states enacted comprehensive TIP penal codes, others failed to implement penal codes which address all aspects of trafficking. Federal legislation was passed on November 27, 12007.

TIP must also compete with other law enforcement priorities in Mexico. Over the past year, President Calderon has committed his administration and an increasing amount of human and financial resources toward the fight against drug trafficking and violence associated with the drug trade. Although TIP initiatives are given a priority, TIP enforcers must also address the broader problem of spiraling violence and criminality in Mexico. The GOM puts scarce TIP resources to good use, however, and has accepted USG assistance and training. Funds dedicated by the POTUS initiative contributed significantly to local efforts, particularly through ICE-coordinated law enforcement training, as well as USAID technical assistance programs. In addition, USAID's TIP Shelter Project continues to strengthen current shelters

that accept trafficking victims, giving Mexico time to establish shelters dedicated to trafficking victims.

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Training needs to continue and expand in the areas of awareness-raising (the distinction between trafficking and smuggling remains unclear, particularly among local law enforcement officials); the identification of and interaction with victims; and the provision of services to trafficking victims. A culture of impunity persists and corruption exists at all levels of government, especially at the state and local level. Traffickers at times pay off authorities to avoid prosecution.

¶9. (SBU) QUESTION E: To what extent does the government systematically monitor its anti-trafficking efforts (on all fronts-prosecution, victim protection, and prevention) and periodically make available, publicly or privately and directly or through regional/international organizations, its assessments of these anti-trafficking efforts?

POST RESPONSE: With the passage of the new federal anti-trafficking legislation, the GOM plans to explore options for systematically monitoring its anti-trafficking efforts.

INVESTIGATION AND PROSECUTION OF TRAFFICKERS:

¶10. (SBU) QUESTION A: Does the country have a law specifically prohibiting trafficking in persons --both for sexual and non-sexual purposes (e.g. forced labor)? If so, please specifically cite the name of the law and its date of enactment and provide the exact language of the law prohibiting TIP and all other law(s) used to prosecute TIP cases. Does the law(s) cover both internal and external (transnational) forms of trafficking? If not, under what other laws can traffickers be prosecuted? For example, are there laws against slavery or the exploitation of prostitution by means of force, fraud or coercion? Are these other laws being used in trafficking cases? Please provide a full inventory of trafficking laws, including non-criminal statutes that allow for civil penalties against alleged trafficking crimes, (e.g., civil forfeiture laws and laws against illegal debt).

POST RESPONSE: On November 27, 2007, Mexico passed a federal law titled: "Law to Prevent and Punish Trafficking in Persons," which will amend, supplement, and revoke various provisions of the Federal Law Against Organized Crime, the Federal Code of Criminal Procedure, and the Federal Penal Code.

Article 1 of the reads: "The purpose of this law is to prevent and punish trafficking in persons, and to protect, care for, and assist the victims thereof, in order to ensure that victims and potential victims, whether residing in Mexico permanently or temporarily, and Mexicans abroad, can develop freely as persons. This law shall apply throughout the national territory under federal jurisdiction." The federal law includes internal and external trafficking as part of the law.

¶11. (SBU) QUESTION B: What are the prescribed penalties for trafficking people for sexual exploitation? What penalties were imposed for persons convicted of sexual exploitation over the reporting period? Please note the number of convicted sex traffickers who received suspended sentences and the number who received only a fine as punishment.

POST RESPONSE: The prescribed penalties include: imprisonment from 6-12 years and 500-1500 "fine days" (approximately \$2,434 USD-\$78,885 USD) (days in which a prescribed percentage of income must be paid); imprisonment of 9-18 years and 750-2250 "fine days" (approximately \$3,651 USD-\$10,954USD), if the offense is committed against a person

under the age of 18 or against a person who does not have the capacity to understand the meaning of the act or the capacity to resist. According to Article 6 of the law, "The penalty will increase by half when, "The perpetrator avails himself of a public office that he may hold or may have pretended to hold without actually being a public servant. When the perpetrator is a public servant, he shall be stripped of his public position, office or commission and be prohibited from performing any other for up to a period of time equal to the term of imprisonment imposed; the same penalty shall apply when the victim is a person over 60 years of age or is an indigenous person."

Article 6 section (b) states: "When the criminal participant in the offense is related to the victim by blood, affinity or common law, or lives in the same residence as the victim, even though there may be no kinship or is the guardian or caretaker of the victim; such person may (depending on the

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circumstances) lose his parental authority, the maintenance right to which he is entitled by virtue of his relationship to the victim, and any right he may hold with respect to victim's assets."

To date, no one has been charged, convicted or fined under the new federal law.

¶12. (SBU) QUESTION C: Punishment of Labor Trafficking Offenses: What are the prescribed and imposed penalties for trafficking for labor exploitation, such as forced or bonded labor and involuntary servitude? Do the government's laws provide for criminal punishment-i.e. jail time - for labor recruiters in labor source countries who engage in recruitment of laborers using knowingly fraudulent or deceptive offers that result in workers being trafficked in the destination country? Are there laws in destination countries punishing employers or labor agents in labor destination countries punishing employers or labor agents in labor destination countries who confiscate workers' passports or travel documents, switch contracts without the worker's consent as a means to keep the worker in a state of service, or withhold payment of salaries as means of keeping the worker in a state of service? If law(s) prescribe criminal punishments for these offenses, what are the actual punishments imposed on persons convicted labor traffickers who received suspended sentences and the number who received only a fine as punishment.

POST RESPONSE: On November 27, 2007, Mexico passed its federal anti-trafficking law, however, the law does not specifically address labor trafficking and the punishment for labor trafficking/exploitation. As such, the law does not identify labor trafficking as a crime under the federal law and does not establish penalties for labor recruiters.

¶13. (SBU) QUESTION D: What are the prescribed penalties for rape or forcible sexual assault? How do they compare to the prescribed penalties for crimes of trafficking for commercial sexual exploitation?

POST RESPONSE: Each of Mexico's 31 states and Mexico City has their own penal codes and the penalties vary. In Mexico City, the penalty for rape of a child less than twelve years old is punishable by two to five years imprisonment; another 50 percent of the sentence is added if violence was used. When the victim is between 12 and 18 years old, rape is punishable by three months to four years in prison. The penalty for rape of an adult woman is six months to four years; if violence is used in the process, an additional 50 percent of the sentence may be added to it. Use of force in a rape against a member of either sex is punishable by eight to 14 years in prison.

According to federal law, child prostitution and any practice that affects a child's psychological development is a felony

under Mexican law. The Federal Penal Code and the Penal Proceedings Code cover crimes involving children or adolescents in pornography, prostitution of minors, and corruption of minors or mentally disabled persons. Specific penalties for perpetrators vary depending on the seriousness of the crime.

¶14. (SBU) QUESTION E: Is prostitution legalized or decriminalized? Specifically, are the activities of the prostitute criminalized? Are the activities of the brothel owner/operator, clients, pimps, and enforcers criminalized? Are these laws enforced? If prostitution is legal and regulated, what is the legal minimum age for this activity? Note that in many countries with federalist systems, prostitution laws may be under state or local jurisdiction and may differ among jurisdictions.

POST RESPONSE: Prostitution is legal for adults 18 years of age and older in Mexico. The existing laws that do not pertain to prostitution focus on threats to public health, moral corruption and pimping. The Mexican criminal code contains penalties for corruption of minors; for induced or forced prostitution and maintaining brothels; for employment of minors in bars and other centers; and for the procurement, inducement or concealment of prostitution. Obvious prostitution is subject to a penalty of six months to five years in prison. Although pimping is a crime in Mexico, both pimping and prostitution are practiced widely and generally without arrest or prosecution.

¶15. (SBU) QUESTION F: Has the government prosecuted any cases against human trafficking offenders? If so, provide numbers of investigations, prosecutions, convictions, and sentences

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served, including details on plea bargains and fines, if relevant and available. Please indicate which laws were used to investigate, prosecute, convict, and sentence traffickers. Also, if possible, please disaggregate by type of TIP (labor vs. commercial sexual exploitation) and victims (children, as defined by U.S. and international law as under 18 years of age, vs. adults). Does the government in a labor source country criminally prosecute labor recruiters who recruit laborers using knowingly fraudulent or deceptive offers or impose on recruited laborers inappropriately high or illegal fees or commissions that create a debt bondage condition for the laborer? Does the government in a labor destination country criminally prosecute employers or labor agents who confiscate workers' passports/travel documents, switch contracts or terms of employment without the worker's consent, use physical or sexual abuse or the threat of such abuse to keep workers in a state of service, or withhold payment of salaries as a means to keep workers in a state of service? Are the traffickers serving the time sentenced? If not, why not? Please indicate whether the government can provide this information, and if not, why not?

POST RESPONSE: GOM has participated in several investigations in coordination with ICE during the reporting period.

-- On July 16, 2007 agents from Mexico's Federal Investigation Agency (AFI) arrested Ignacio Antonio Santoyo Cervantes a.k.a. "Sony" pursuant to a federal arrest warrant in connection to the Divas trafficking organization. He had been indicted on May 30, 2007 on multiple charges, including money laundering, facilitating prostitution and human trafficking.

-- On July 14, 2007, Walter Alonso-Garza and Jose Luis Castro were arrested for forced prostitution and human trafficking. Eight women were rescued, four of whom were 17-years of age and four others younger.

-- On August 7, 2007, Alfonso Perez Suarez and Jorge Luis Fonte-Ruiz (Mexican nationals) were arrested in Tlaxcala,

Mexico on suspicion of trafficking three young girls from Chiapas and holding them against their will in an apartment in Tlaxcala. Two of the girls escaped and informed local authorities.

Post will continue to update G/TIP on additional cases.

¶16. (SBU) QUESTION G: Does the government provide any specialized training for government officials in how to recognize, investigate, and prosecute instances of trafficking? Specify whether NGOs, international organizations, and/or the USG provide specialized training for host government officials.

POST RESPONSE: National Migration Institute (INM) is in the process of developing (with the support from civil society organizations and inter-governmental agencies with experience on trafficking in persons) specific procedures and accurate guides to identify and provide attention to victims in four areas: minors detected by INM; minors in custody from other authorities; adults who present themselves voluntarily; adults detected by migration officials.

Coordination of Control and Migration Verification at INM has developed an annual program of supervision for all the regional delegations for the purpose of verifying businesses who hire foreigners.

Training

-- July 30-August 3, 2007 PGR in coordination with the U.S. Embassy trained 13 public officials of the Central Sector of INM and also Regional Delegations on interviewing victims and witnesses of TIP and identifying false documents.

-- October 16-25, 2007, PGR in coordination with the U.S. Embassy provided a training course for 150 public officials from INM, including 15 representatives from Central American Consulates on victim identification and how to deal with psychological situations.

-- October 2007-present INM says that they have replicated these courses in all of the federal entities, have increased the number of people trained to 365 officials including migration officials and 240 officials from other government agencies.

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-- December 20-21, 2007- INM gave a course to migration officials and Grupos Betas in Tapachula, Chiapas.

-- ICE/USAID and Proteja provided Global Trafficking in Persons training to Chihuahua State and GOM officials in Ciudad Juarez, Chihuahua and general investigative techniques related to TIP investigations. 50 Chihuahua State government officials were trained along with three prosecutors from PGR in Ciudad Juarez.

-- June 4-6, 2007- ICE Attach? Mexico City organized a 24-hour technical training in electronic surveillance for approximately 40 Mexican government officials, including investigators and technical officers from SSP and CENAPI. The course was designed to provide familiarization and specialized user information for those officials assigned to undercover and technical support operations.

-- July 30-August 3, 2007- ICE agents provided training to Mexican federal officers to include: CENAPI, INM, PGR and AFI agents, FEVIMTRA (formerly known as FEVIM), SSP and local police officials (Ministerial Publicos) assigned to SIEDO. This was the first G/TIP course assigned to federal law enforcement in Mexico. The course covered victim identification, victim/witness coordination, case

development, source development and interviewing techniques. ICE agents also promoted a task force approach to trafficking investigations.

-- NGOs and international organizations also provided training to authorities during the reporting period. Coalition Against Trafficking of Women and Children of Latin America and the Caribbean (CATW) provided legal training to police officials.

-- The International Organization for Migration (IOM) provided training on detection and attention to victims during the reporting period.

117. (SBU) QUESTION H: Does the government cooperate with other governments in the investigation and prosecution of trafficking cases? If possible, can post provide the number of cooperative international investigations on trafficking during the reporting period?

POST RESPONSE: The GOM cooperates with other governments in the investigation and prosecution of trafficking cases. Mexican law enforcement officials continue to work closely with DHS-ICE on numerous trafficking investigations in Mexico and the U.S., including cross border trafficking cases.

Mexico's collaboration with Central American governments:

-- On March 23, 2004 Mexico and Guatemala signed a Memorandum of Understanding for the Protection of Women and Minor victims of Trafficking and Smuggling of Persons on the Mexico-Guatemala Border. This MOU created a commission between both governments to address the issue. Members include: SRE, PGR, INM and their counterparts in Guatemala. On July 10, 2007, the group met to discuss an Action Plan for 2007-2008.

-- On May 17, 2005, Mexico and El Salvador signed a Memorandum of Understanding for the Protection of Persons Especially Women and Minor victims of illegal trafficking and Smuggling between Mexico and El Salvador.

The GOM also continues to work with the Government of Argentina on the DIVAS case which has links to Argentina. The leader of the organization was arrested on July 16, 2007.

118. (SBU) QUESTION I: Does the government extradite persons who are charged with trafficking in other countries? If so, can post provide the number of traffickers extradited during the reporting period? Does the government extradite its own nationals charged with such offenses? If not, is the government prohibited by law from extraditing its own nationals? If so, what is the government doing to modify its laws to permit the extradition of its own nationals?

POST RESPONSE: As reported in the 2007 TIP Report, in January 2007, Mexican national Carreto Valencia received a sentence of 25 years and six months in Mexico on trafficking-related charges; the GOM subsequently extradited her to the United States (January 19 2007) to face charges of trafficking, among other crimes. Mexico became the first

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country to extradite a defendant in a trafficking case when they extradited Consuelo Carreto Valencia. Post will continue to update G/TIP of any other extraditions.

119. (SBU) QUESTION J: Is there evidence of government involvement in or tolerance of trafficking, on a local or institutional level? If so, please explain in detail.

POST RESPONSE: There have been allegations that some law enforcement and migration officials- especially at the local level have been involved in trafficking to the extent they

have been known to accept bribes to facilitate or ignore alien smuggling or to allow brothels and child prostitution to exist unmolested. On August 16, 2007, two INM officials, Oscar Manuel Navarete Orozco and Maria America Maldonado Alfaro were arrested and accused by PGR of leading an organized criminal group that trafficked persons, including undocumented workers.

120. (SBU) QUESTION K: If government officials are involved in trafficking, what steps has the government taken to end such participation? Please indicate the number of government officials investigated and prosecuted for involvement in trafficking or trafficking-related corruption during the reporting period. Have any been convicted? What sentence(s) was imposed? Please specify if officials received suspended sentences, were given a fine, fired, or reassigned to another position within the government as punishment. Please provide specific numbers, if available. Please indicate the number of convicted officials that received suspended sentences or received only a fine as punishment.

POST RESPONSE: If government officials are involved in trafficking, the GOM added penalties in the new federal law to address officials involved in trafficking. Article 6 (a) states: "The penalties set forth in paragraphs 1 and 2 of this Article shall be increased by up to one-half when: (a) The perpetrator avails himself of a public office that he may hold or may have pretended to hold without actually being a public servant. When the perpetrator is a public servant, he shall be stripped of his public position, office, or commission and be prohibited from performing any other for up to a period of time equal to the term of imprisonment imposed; the same penalty shall apply when the victim is a person over 60 years of age or is an indigenous person." (Please see question 19 on officials involved in 2007).

121. (SBU) QUESTION L: As part of the new requirements of the 2005 TVPRA, for countries that contribute troops to international peacekeeping efforts, please indicate whether the government vigorously investigated, prosecuted, convicted and sentence nationals of the country deployed abroad as part of a peacekeeping or other similar mission who engage in or facilitate severe forms of trafficking or who exploit victims of such trafficking.

POST RESPONSE: Non Applicable

122. (SBU) QUESTION M: If the country has an identified child sex tourism problem (as source or destination), how many foreign pedophiles has the government prosecuted or deported/extradited to their country of origin? What are the countries of origin for sex tourists? Do the country's child sexual abuse laws have extraterritorial coverage (similar to the U.S. PROTECT ACT)? If so, how many of the country's nationals have been prosecuted and/or convicted under the extraterritorial provision(s) for traveling to other countries to engage in child sex tourism?

POST RESPONSE: Mexico is a country with an identified child sex tourism problem. Mexico is a destination for sexual tourists and pedophiles, particularly from the United States. There are no specific laws against sex tourism, although federal law criminalizes corruption of minors, which is punishable by five to 10 years' imprisonment.

Two cases from INM:

INM reported a case in Jalisco where Daniel Bricio Villa was arrested for having sexual intercourse with two minors in exchange for money and gifts. Another case in Morelia, authorities arrested Pablo Pedro Carlos Armand Paul, a pedophile who would lure minors into a hotel room to have sexual intercourse and also make pornography to publish and sell it on the internet.

The names and details of ongoing investigations are not/not for public disclosure. End note.

This information was received from USG ICE attach? in Ciudad Juarez.

-- On January 10, 2008, U.S. Citizen, John D. Armstrong gave a guilty plea in a federal court on sex tourism charges. Armstrong faces 110 months in prison for corruption of a minor. At the time of the arrest, 51-year old Armstrong was found nude with a 16-year old girl. Armstrong claimed to be a German Citizen but after the investigation it was determined that he is a U.S. Citizen and is a registered sex offender in the state of Arizona.

-- On January 30, 2008, U.S. Citizen, James C. Shea was sentenced by a Chihuahua Tribunal to nine years in prison for two counts of rape of a minor. Maria Guadalupe Gonzalez Hernandez was sentenced to 11 years in prison under the Chihuahua State human Trafficking Law. Shea is a physician's assistant practicing in El Paso, Texas was arrested on February 25, 2007 by the Ciudad Juarez municipal police for having sex with a 10 year old boy. The investigation revealed that Shea used Gonzalez to lure school-aged boys to have sex with Shea.

-- U.S. Citizen arrested in Mexico for performing oral sex with minors: On March 15, 2007 -U.S. Citizen, Ismael Acevedo Muniz was arrested for corruption of minors in Ciudad Juarez after he was stopped by police with five minors from the ages of 14-16 in the car. The investigation revealed that Muniz would pay the minors to engage in oral sex. Muniz was later released because the minors consented to the acts.

PROTECTION AND ASSISTANCE TO VICTIMS:

123. (SBU) QUESTION A: Does the government assist foreign trafficking victims, for example, by providing temporary to permanent residency status, or other relief from deportation? If so, please explain.

POST RESPONSE: The GOM does provide assistance to foreign trafficking victims. Law enforcement and migration officials do encourage victims to cooperate with investigations; however, victims rarely identify themselves as victims of trafficking and often times migrants who are exploited through their employers are afraid to tell authorities for fear deportation.

Since 2005, the INM has identified 22 victims of trafficking from Guatemala, Nicaragua, Argentina, Slovakia and Ecuador. Of the 22, (81%) of the 22 were victims of sexual exploitation and (19%) victims of labor exploitation. Five of these were foreigners and were authorized humanitarian visas in order for them to provide information to prosecute traffickers and regularize their status within Mexico. The remaining voluntarily returned to their countries with the support from various consulates and international organizations. Since the beginning of 2008, INM has identified one trafficking victim from Ecuador.

124. (SBU) QUESTION B: Does the country have victim care facilities which are accessible to trafficking victims? Do foreign victims have the same access to care as domestic trafficking victims? Does the country have specialized facilities dedicated to helping victims of trafficking? If so, can post provide the number of victims placed in these care facilities during the reporting period? What is the funding source of these facilities? Please estimate the amount the government spent (in U.S. dollar equivalent) on these specialized facilities dedicated to helping trafficking victims during the reporting period. Does the government provide trafficking victims with access to legal, medical and psychological services? If so, please specify the kind of assistance provided, and the number of victims assisted, if

available.

POST RESPONSE: Both the Mexican federal government and some states have crime victim assistance programs. The programs cover legal assistance and medical services and psychological counseling. The DIF, for example, provides temporary shelter and medical services to unaccompanied minors, with programs on the northern border. These shelters may serve victims of trafficking, but does not provide tailored services to trafficking victims and has not established a referral system. The DIF tries to locate parents or family members in order to repatriate the children. The quality of the programs varies.

In 2007, the INM authorized the issuance of nine humanitarian

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visas, granted to victims who are willing to assist in prosecution cases. The visas are issued with a validity of one year and are renewable.

The INM has a detention center in Tapachula, Chiapas and in 45 other places throughout the country in order to process migrants. This facility provides separate accommodations for men, women, children and families. Several trafficking victims have been identified in the facility and passed to NGOs or DIF-run shelters.

125. (SBU) QUESTION C: Does the government provide funding or other forms of support to foreign or domestic NGOs and/or international organizations for services to trafficking victims? Please explain and provide any funding amounts in U.S. dollar equivalent. If assistance provided is in-kind, please specify exact assistance. Please explain if funding for assistance comes from a federal budget or from regional or local governments.

POST RESPONSE: The federal and state governments provide funding and other forms of support to domestic NGOs for services to victims; however, the level of funding and support remains very limited.

126. (SBU) QUESTION D: Do the government's law enforcement, immigration, and social services personnel have a formal system of proactively identifying victims of trafficking among high-risk persons with who they come in contact (e.g., foreign persons arrested for prostitution or immigration violations)? What is the number of victims identified during the reporting period? Has the government developed and implemented a referral process to transfer victims detained, arrested or placed in protective custody by law enforcement authorities to institutions that provide short or long-term care? How many victims were referred for assistance by law enforcement authorities during the reporting period?

POST RESPONSE: Mexico's family welfare agency, Desarrollo Integral de la Familia (DIF) continues to operate shelters for unaccompanied migrant children who are intercepted at the northern border. Third Country Nationals (TCNs) intercepted at the border are generally placed in a migration detention station until they can be repatriated. NGOs such as Casa Alianza offer shelter to street children, mainly adolescents, who are often victims of sexual exploitation; and Casa de las Mercedes offers shelter and training to former prostitutes and their children. The INM has also referred several trafficking victims to NGOs or state-run shelters for assistance.

INM refers trafficking victims to IOM. During the reporting period, IOM reported rescued and provided assistance to 38 trafficking victims.

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